

PART 19 — SMALL BUSINESS PROGRAMS

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SUBPART 19.2 — POLICIES

19.201 General policy.

(c)(6) The USACE Director of Small Business shall be afforded an opportunity to comment upon and contribute to the performance evaluation of Deputies for Small Business at Divisions, CERL, CRRL, TEC, WES, and HECSA. Deputies for Small Business at Divisions shall be afforded the same opportunity for the Deputies for Small Business at Districts.

(9)(B) Deputies for Small Business shall make the review and document it on DD Form 2579, Small Business Coordination Record, prior to synopsis of a requirement for A-E services in the Commerce Business Daily.

(S-91) Commanders shall forward the nominee for Deputy for Small Business, along with a summary of qualifications, to the headquarters Director of Small Business for review and consultation.

19.201-100 USACE Small Business Council.

The USACE Small Business Council is chaired by the USACE Director of Small Business. Its members are the Deputy for Small Business of the Divisions, Laboratories, and HECSA. The council shall meet at least annually at the call of the chairperson.

SUBPART 19.7 — SUBCONTRACTING WITH SMALL BUSINESS, SMALL DISADVANTAGED BUSINESS AND WOMEN-OWNED BUSINESS CONCERNS

19.705 Responsibilities of the contracting officer under the subcontracting assistance program.

19.705-4 Reviewing the subcontracting plan.

(d) Before accepting a subcontracting plan with a small disadvantaged business goal of less than five percent, the contracting officer shall prepare an explanatory statement and include it, along with the approval request, and a copy of the evaluation cited at AFARS 19.705-4 (S-90).

SUBPART 19.8 — CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

19.800(b) General.

Architect-Engineer services may be obtained through the 8(a) Program using either sole-source or competitive procedures. The firms will be evaluated by USACE in accordance with the procedures in FAR 36.602.

19.803 Selecting acquisitions for the 8(a) Program.

(a) Deputies for Small Business are redelegated the authority to respond to SBA requests for commitments to support business plans of 8(a) firms in accordance with local procedures.

(c) Deputies for Small Business are redelegated the authority to identify to the SBA, after coordination and approval in accordance with local procedures, candidate projects for being accomplished by 8(a) firms. Each command shall review planned acquisitions every fiscal year to determine which acquisitions are suitable for the 8(a) program.

SUBPART 19.10 — SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM

19.1001 General.

Section 401 of Public Law 105-135 (the Small Business Reauthorization Act of 1997) permanently extends the Small Business Competitiveness Demonstration Program originally authorized in 1989 by sections 711 through 718 of Public Law 100-656.

Section 404 of Public Law 105-135 also permanently extends the program to expand small

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business participation in dredging also originally authorized in 1989 by section 722 of Public Law 100-656.

19.1003 Purpose.

(a) The purpose of the Section 722 is to expand the participation of small business (SB) concerns and emerging small business (ESB) concerns in contracting opportunities for dredging. The SB program goal is not less than 20% to SB, including 5% to ESB companies. The dollar value of contracts which are performed exclusively by dustpan and sea-going hopper dredges are excluded in calculating the percentage of small business attainment.

(b) Contracting opportunities for dredging shall be reserved for competition among ESB concerns if the estimated award value is below an amount specified by the Administrator for Federal Procurement Policy (Administrator), upon recommendation by the Secretary of the Army (Secretary). The reserve amount is established at the level reasonably expected to result in the Army attaining the goal for ESB.

(c) The reserve amount threshold is reviewed by the Secretary and adjusted by the Administrator to the extent necessary on a semiannual basis. The review is based on the aggregate of contract awards for the four fiscal year quarters preceding the review. Contract award data is compiled by the Navigation Data Center, Water Resources Support Center, 7701 Telegraph Road, Alexandria, VA. 22310-3868.

19.1005 Applicability.

The program applies to dredging activities under SIC 1629 (Dredging), limited to Federal Procurement Data Systems codes Y216 (new work) and Z216 (maintenance dredging).

19.1006. Procedures.

A. Reserve threshold for ESBs in the dredging industry is \$400,000.

B. All acquisitions for dredging shall be reserved for exclusive competition among ESBs when the estimated award value is below the emerging

small business reserve amount, provided the contracting officer determines that there is a reasonable expectation of obtaining offers from two or more responsible ESB, and award will be made at fair market price.

C. Contracting officers shall restrict for competition among all eligible small business concerns, contracting opportunities for dredging in such numbers and at such estimated award values as necessary for the contracting activity to attain the goal for small business concerns.

D. Nothing under the Small Business Competitiveness Demonstration Program shall impair the award of dredging contracts pursuant to section 8(a) of the Small Business Act or section 1207 of the National Defense Authorization Act for Fiscal Year 1987.

E. Contracting officers shall provide information on contract awards for dredging to the POC for Navigation Data for Dredging Information System.

19.1007 Solicitation provisions.

The contracting officer shall insert in full text the provision at FAR 52-219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program, in all dredging solicitations.